

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SCOTT KOLLER,

Plaintiff,

v.

MED FOODS, INC., et al.,

Defendants.

Case No. [14-cv-02400-RS](#) (JCS)

**ORDER DENYING MOTION TO FILE
UNDER SEAL AND CONDITIONALLY
GRANTING MOTION FOR LETTER
OF REQUEST**

Re: Dkt. Nos. 63, 64

Defendant Deoleo USA, Inc. (“Deoleo”) seeks a letter of request under the Hague Convention on the Taking of Evidence Abroad. *See* dkt. 63. Deoleo also moves to file under seal certain material related to that request, on the basis that Plaintiff Scott Koller designated the material as confidential. *See* dkt. 66. Judge Seeborg has referred all discovery issues in this case, including the matters addressed in this Order, to the undersigned magistrate judge. *See* dkts. 54, 67.

Civil Local Rule 79-5(e) sets forth the procedure for filing documents designated as confidential by another party. Under that rule, the party seeking to use the documents must move to file under seal, and the designating party—here, Koller—must file a declaration within four days of the motion to seal “establishing that all of the designated material is sealable.” Civ. L.R. 79-5(e)(1). That deadline has passed and no response has been filed. The motion to file under seal is therefore DENIED. Deoleo is ORDERED to file unredacted versions of the documents at issue in the public record no earlier than November 23, 2015 and no later than November 30, 2015. *See* Civ. L.R. 79-5(e)(2).

Good cause showing, Deoleo’s motion for issuance of a letter of request is GRANTED, on the condition that Deoleo file a corrected proposed letter replacing Judge Seeborg’s name with the name of the undersigned magistrate judge. Deoleo is instructed to file in the record and lodge with

chambers that letter on the same schedule set forth above. After the letter has been received, the Clerk will advise Deoleo ex parte when a signed copy bearing the seal of the Court is available.

IT IS SO ORDERED.

Dated: November 17, 2015



JOSEPH C. SPERO
Chief Magistrate Judge

United States District Court
Northern District of California